



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

March 7, 2005

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Akilah Oliver v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 305 427

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$150,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-9910.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosure

MEMORANDUM

February 16, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CLYDE LOCKWOOD
Patterson, Ritner, Lockwood, Gartner & Jurich

OWEN L. GALLAGHER
Principal Deputy County Counsel
General Litigation Division

RE: **Akilah Oliver v. County of Los Angeles**
Los Angeles Superior Court, Central District Case No. BC305427

DATE OF
INCIDENT: March 13, 2003

AUTHORITY
REQUESTED: \$150,000

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on _____, 2005

SUMMARY

This is a recommendation to settle for \$150,000, the wrongful death lawsuit brought by Akilah Oliver (mother) for the death of Oluchi McDonald while hospitalized at King/Drew Medical Center on March 13, 2003. There is no Medi-Cal lien.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On March 12, 2003, at 6:47 a.m., Oluchi McDonald, a 20-year-old man, was seen in the Emergency Room at Queen of Angels Hospital (private facility) with complaints of severe abdominal pain. An imaging study generated by computer synthesis of x-ray data (CT scan) was interpreted as indicating an abnormal thickening of Mr. McDonald's bowel, which medical personnel suspected might be due to an inflammation of the appendix (appendicitis), a collapsed colon, and an abnormal accumulation of fluid in the abdomen (ascites). At 5:21 p.m., Mr. McDonald was transferred from Queen of Angels Hospital to King/Drew Medical Center for further examination and treatment.

At 6:45 p.m., Mr. McDonald was seen in the Emergency Room at King/Drew Medical Center. At 9:05 p.m., it was noted that Mr. McDonald's abdomen was hard to the touch, tender, and without bowel sounds, which may be signs of an acute intestinal obstruction. An acute intestinal obstruction may require surgical intervention. A consultation with medical personnel from the surgery service was requested.

At 10:20 p.m., Mr. McDonald was given a consultation by a surgeon. After reviewing the CT scan performed at Queen of Angels Hospital, the surgeon suspected that Mr. McDonald was suffering from a disturbance in normal bowel function or a blockage of the intestine that obstructs the normal passage of bowel contents (ileus). However, rather than assigning Mr. McDonald to a Surgical Ward where his condition could be more closely monitored, the surgeon recommended that Mr. McDonald be assigned to the Medicine Ward.

On March 13, 2003, at 2:25 a.m., Mr. McDonald was admitted to the Medicine Ward, and was given antibiotics. At 3:20 a.m., it was noted that Mr. McDonald's heart rate was abnormally high. However, nursing personnel failed to notify a physician of this abnormal finding. As a result, no further

evaluation was made of Mr. McDonald's condition to determine if he should be transferred to the Surgical Ward for closer monitoring.

At 8:00 a.m., it was again noted that Mr. McDonald's heart rate was abnormally high. However, nursing personnel failed to notify a physician of this abnormal finding.

At 11:30 a.m., Mr. McDonald was found unconscious, without pulse, and not breathing. A distress call requiring immediate resuscitative efforts (code blue) was made. Restoration of heart and lung function using artificial respiration and manual closed chest compression (cardiopulmonary resuscitation [CPR]) was initiated, but he could not be resuscitated. Mr. McDonald was pronounced dead at 12:25 p.m. An autopsy performed by the Los Angeles County Coroner attributed the cause of death to the extensive death of tissue resulting from the loss of blood supply (gangrene) of the intestine, resulting from an obstruction of the intestine due to a twisting of the bowel (volvulus).

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Akilah Oliver,	
Loss of Care, Comfort and Companionship (MICRA limit)	\$250,000
Funeral Expenses	\$ 1,400
Costs of Litigation	<u>\$ 10,000</u>
TOTAL	\$261,400

The proposed settlement includes:

Akilah Oliver,	
Loss of Care, Comfort and Companionship	\$ 93,333
Attorneys Fees (MICRA Estimate)	\$ 46,667
Costs of Litigation	<u>\$ 10,000</u>
TOTAL	\$150,000

A portion of the recommended settlement may be directed by claimants to be used to purchase an annuity. The amount and structure of the annuity has not been selected at this time.

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through February 7, 2005, are attorneys fees of \$23,472 and \$9,414 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$150,000
County Attorneys Fees and Costs	<u>\$ 32,886</u>
TOTAL	\$182,886

EVALUATION

Medical experts will be critical of the failure of nursing personnel at 3:20 a.m., on March 13, 2003, to notify a physician of Oluchi McDonald's abnormally high heart rate. This failure fell below the standard of care, resulted in a missed opportunity to further evaluate Mr. McDonald's condition to determine if he should be transferred to the Surgical Ward for closer monitoring, and is directly responsible for the results observed here.

We join with our private counsel, Patterson, Ritner, Lockwood, Gartner & Jurich, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$150,000.

The Department of Health Services concurs in this settlement.